

Attorney/Docket No. 31849.39 (P10606.00US)
Customer No. 000027683

1FW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Murphy, et al.

Serial No.: 10/699,471

Filed: October 31, 2003

For: Surgical Instrument with Adjustable Rotary
Cutting Tool and Method of Cutting

§
§ Group Art Unit: 3761
§
§ Confirmation No.: 2768
§
§ Examiner: Unknown
§
§

FIRST INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists.


This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

Pursuant to 37 CFR 1.98 (a)(2)(i), copies of the U.S. patents listed on the enclosed modified Form PTO-1449 are not attached.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,


J. Andrew Lowes
Registration No. 40,706

Date: 12/19/05
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-680-7557
Facsimile: 214-200-0853

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-19-05.

Karen L. Underwood
Printed Name

Karen L. Underwood
Signature

In place of PTO-1449 Form	U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> DEC 28 2005 </div>	<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	10/699,471
		Filing Date	10/31/2003
		Applicant(s)	Murphy, et al.
		Art Unit	3761
		Examiner Name	unknown
SHEET 1 OF 1		Attorney Docket Number	31849.39

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	4,047,829	09/13/1977	Benjamin et al.
	A2	4,050,840	09/27/1977	Skingle
	A3	5,122,134	06/16/1992	Borzzone et al.
	A4	5,190,548	03/02/1993	Davis
	A5	6,238,398	05/29/2001	Lechot

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
		LINVATEC, POWER PRO, ATTACHMENTS [http://www.linvatec.com/products-powerproAtt1.html], retrieved on Oct. 16, 2003.

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.